

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
November 17, 2003

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, November 17, 2003, at 6:36 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk to County Council. Mr. Milton Farley, Councilmember District No. 1; Mr. Charles E. Davis, Councilmember District No. 4; and Mr. Dennis L. Fish, Councilmember District No. 5, were excused from this Regular Meeting of Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES

Chairman Rozier asked Council's approval of the minutes for Special Meeting of Council held on October 13, 2003; Public Hearings, Bills Numbered 02-34, 03-49, 03-50, 03-51, 03-52, 03-53, 03-54, 03-55, 03-56, and 03-57; and Regular Council Meeting held on October 20, 2003.

It was moved by Councilmember Mims and seconded by Councilmember Spooner to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION

Ms. Ellen Green of 1406 Churchill Road, Pimlico, indicated she was chairman of the Pimlico Special Tax District and wanted to inform Council that Pimlico held their first election using the revised bylaws. They went through the nominating process with Registrations and Elections. The results were as follows: Linda Martin and Walter McKinney both received 119 votes; Jean Mills received 32 votes; and Albert Pelletier received 37 votes. Therefore, they were submitting Linda Martin and Walter McKinney

for nomination for the Pimlico Special Tax District to assume responsibilities January 1, 2004.

Mr. Paul Feldman of 5331 Logbridge Road indicated he represented the Hyman property. He directed Council's attention to a drawing of the Hyman Tract located directly on the Mark Clark Expressway and pointed out the areas discussed earlier. The parcel for Third Reading tonight is surrounded by the City of Charleston, mostly commercial.

Chairman Rozier stated an Executive Session to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Mims to go into Executive Session for the reason stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council went into Executive Session at 6:45 p.m. and returned at 7:25 p.m.

Mr. Stokes stated Berkeley County Council went into Executive Session to discuss matters as stated in the motion; no formal action was taken.

Chairman Rozier stated there were five Bills for Third Reading.

THIRD READINGS:

1. "BILL NO. 02-34, AN ORDINANCE TO AMEND ORDINANCE NO. 99-7-41 AND TO ADOPT THE MOST RECENT VERSION OF VARIOUS INTERNATIONAL CODES RELATING TO BUILDING, RESIDENTIAL, GAS, PLUMBING, MECHANICAL, AND FIRE STANDARDS AND TO AMEND ORDINANCE NO 03-01-01 REGARDING THE PENALTY FOR VIOLATIONS OF THE BUILDING CODE."

Chairman Rozier stated that Bill No. 02-34 would be held in Committee for another month. There was pending information and some concerns as to the status of Bill No. 02-34. (*Held in Committee*)

2. "BILL NO. 03-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY

SOUTH CAROLINA IN REGARDS TO THE APPROVED USE OF TMS #087-00-05-034.” (*Edwardine Harrell*)

It was moved by Councilmember Mims and seconded by Councilmember Pinckney to approve **Bill No. 03-58** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-11-65 is attached to these Minutes.)

3. “BILL NO. 03-59, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY SOUTH CAROLINA IN REGARDS TO THE APPROVED USE OF TMS #222-11-00-066.” (*Abbas A. Aman*)

It was moved by Councilmember Mims and seconded by Councilmember Spooner to approve **Bill No. 03-59** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-11-66 is attached to these Minutes.)

4. “BILL NO. 03-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY SOUTH CAROLINA IN REGARDS TO THE APPROVED USE OF TMS #271-00-02-146.” (*Aaron & Eli Hyman*)

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve **Bill No. 03-60** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-11-67 is attached to these Minutes.)

5. BILL NO. 03-71, AN ORDINANCE TO AMEND THE BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT, ORDINANCE NO. 03-06-37, BY PROVIDING FOR THE DISTRIBUTION OTHER THAN THOSE PREVIOUSLY ADOPTED.”

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve **Bill No. 03-71** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-11-68 is attached to these Minutes.)

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

It was moved by Councilmember Mims and seconded by Councilmember Spooner that all Bills for Second Reading be voted on by one motion as a collective group. The motion passed by unanimous voice vote of Council.

SECOND READINGS:

1. **“BILL NO. 03-62, AN ORDINANCE AMENDING THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY PERSONNEL ORDINANCE, BERKELEY COUNTY, SOUTH CAROLINA.**

2. **“BILL NO. 03-63, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #222-00-00-067.”** (*Gerald Morgan*)

3. **“BILL NO. 03-64, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #196-09-01-028.”** (*Eugene & Alesia Burns*)

4. **“BILL NO. 03-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #065-00-00-088.”** (*Leslie B. Dyches*)

5. **“BILL NO. 03-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #271-00-01-035.”** (*Clouter Point & Clements Ferry Properties, LLC, Clements Ferry Road*)

6. **“BILL NO. 03-67, AN ORDINANCE TO REDUCE THE ASSESSMENT RATION APPLICABLE TO GENERAL AVIATION AIRCRAFT SUBJECT TO PROPERTY TAX IN BERKELEY COUNTY TO FOUR (4%) OF THE FAIR MARKET VALUE OF THE AIRCRAFT.”**

7. **“BILL NO. 03-68, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PAR C SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”**

8. **“BILL NO. 03-69, AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT**

BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND **DJL LAND COMPANY, LLC**: AND MATTERS RELATING THERETO.”

9. “**BILL NO. 03-70, AN ORDINANCE** AUTHORIZING: (1) ACQUISITION BY BERKELEY COUNTY, SOUTH CAROLINA (THE "COUNTY") OF CERTAIN REAL AND PERSONAL PROPERTY; (2) A LEASE PURCHASE AGREEMENT BETWEEN THE COUNTY, AS LESSOR, AND **VAN SMITH BLOCK COMPANY, LLC** AS LESSEE, WITH RESPECT TO THE PERSONAL AND REAL PROPERTY SO ACQUIRED; (3) PAYMENT BY SUCH LESSEE OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; (4) THE RECONVEYANCE OF SUCH PROPERTY PURSUANT TO THE TERMS OF SUCH LEASE PURCHASE AGREEMENT; (5) THE PLACEMENT OF SUCH REAL PROPERTY INTO A MULTI-COUNTY INDUSTRIAL PARK AND (6) CERTAIN OTHER MATTERS RELATED THERETO.”

10. “**BILL NO. 03-72, AN ORDINANCE** TO AMEND SECTION VII OF ORDINANCE NO. 03-06-38, THE BERKELEY COUNTY BUDGET ORDINANCE FOR 2003-2004, TO ELIMINATE THE EXPRESS PROVISIONS REGARDING RATES AND PER DIEM FOR TRAVEL EXPENSE REIMBURSEMENT AND TO PROVIDE FOR THE ESTABLISHMENT OF RATES BY RESOLUTION.”

11. “**BILL NO. 03-74, AN ORDINANCE** TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF **TMS #242-04-01-046.**” (*CDJ, Inc.*)

12. “**BILL NO. 03-75, AN ORDINANCE** TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF **TMS #271-00-02-022.**” (*Jimmie Green*)

13. “**BILL NO. 03-76, AN ORDINANCE** AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING A LEASE PURCHASE AGREEMENT, BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND **BP AMOCO CHEMICAL COMPANY**, WHEREBY BERKELEY COUNTY WILL ENTER INTO AN ARRANGEMENT FOR PAYMENTS IN LIEU OF PROPERTY TAXES: AND OTHER RELATED MATTERS.”

It was moved by Councilmember Mims and seconded by Councilmember Crosby to approve **Bills 03-62, 03-63, 03-64, 03-65, 03-66, 03-67, 03-68, 03-69, 03-70, 03-72, 03-74, 03-75 and 03-76** for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier stated there were two Bills for First Reading and explained that on Bills for First Reading there is no discussion or vote. They are simply read into the record and sent to the proper committee for discussion.

FIRST READINGS:

1. **“BILL NO. 03-77, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS # 175-00-02-008.”** (*Johnnie Capers*)

2. **“BILL NO. 03-78, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #164-00-03-062.”** (*Emmerline Limehouse*)

RESOLUTIONS:

1. **“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2003-2004 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”**

It was moved by Councilmember Crosby and seconded by Councilmember Mims to approve the Transfer Resolution.

Councilmember Spooner asked what was the total figure.

Ms. Kace Smith, Finance Director, indicated the total was \$104,600.00.

The motion passed by unanimous voice vote of Council. (*A copy of Resolution No. R 03-53 is attached to these Minutes.*)

2. **“RESOLUTION DESIGNATING SURPLUS PROPERTY OF BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND AUTHORIZING THE SALE OR DISPOSAL OF THE SURPLUS VEHICLES.”**

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to approve the Resolution Re: Surplus Property for the Berkeley County Water and Sanitation Authority. The motion passed by unanimous voice vote of Council. (*A copy of Resolution No. R 03-54 is attached to these Minutes.*)

3. **“RESOLUTION GIVING AN EXTRA DAY OF PAID VACATION IN RECOGNITION OF THE 2003 CHRISTMAS HOLIDAY.”**

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to approve the Resolution for an extra day of paid vacation for the 2003 Christmas Holiday. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-55 is attached to these Minutes.)

4. “RESOLUTION APPROVING ASSIGNMENT OF EXISTING FEE-IN-LIEU OF TAX ARRANGEMENTS BY BAYER POLYMERS LLC.”

It was moved by Councilmember Crosby and seconded by Councilmember Mims to approve the Resolution Re: Bayer Polymers LLC. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-56 is attached to these Minutes.)

5. “RESOLUTION APPROVING ASSIGNMENT OF EXISTING FEE-IN-LIEU OF TAX ARRANGEMENT BY HAARMANN & REIMER.”

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to approve the Resolution Re: Haarmann & Reimer. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-57 is attached to these Minutes.)

6. “RESOLUTION (1) ACKNOWLEDGING AND CONSENTING TO THE TRANSFER OF 100% OF THE EQUITY INTEREST IN JW ALUMINUM COMPANY AND THE RELATED MERGER; AND (2) OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to approve the Resolution Re: JW Aluminum. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-58 is attached to these Minutes.)

Mr. D. Mark Stokes, County Attorney, stated that if there were no objections he would like to read into the record two Resolutions for Council’s consideration.

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE CITY OF GOOSE CREEK.”

There were no objections.

It was moved by Councilmember Crosby and seconded by Councilmember Pinckney to approve the Resolution Re: Execution of an agreement with the City of Goose Creek. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-59 is attached to these Minutes.)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO RESOLVE AN ISSUE OF THE BOUNDARY BETWEEN BERKELEY AND DORCHESTER COUNTIES BY ALL MEANS AVAILABLE.”

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to approve the Resolution Re: Boundary between Berkeley and Dorchester Counties. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-60 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman.

In the absence of Councilmember Fish, Councilmember Crosby stated the Committee on Finance met on November 10, 2003 and earlier this evening. All matters before the Committee have been taken care of on tonight's agenda. (That concluded Mr. Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

In the absence of Councilmember Farley, Councilmember Spooner stated the Committee on Land Use met on November 10, 2003 and all matters before the Committee have been taken care of on tonight's agenda. (That concluded Mr. Farley's report.)

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman.

Councilmember Pinckney stated the Committee met on November 10, 2003; and on recommendation of the Committee he moved to award the contract for Digital Orthophotography Project to **Kucera International** in the amount of \$130,601.00. (No Second Required)

Chairman Rozier stated the amount stated would be reduced approximately \$4,000. However, the State of South Carolina would do approximately \$30,000 of work on this same project for \$11,000, which is in the budget.

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for the EMS Station (Medic 8 – New Hope/Lebanon to **Southeastern Construction Co.**, in the amount of \$82,990.00. (No Second Required)

Chairman Rozier indicated funds would also be saved on this project in that the County would do some of the work, which was agreed upon by the construction company. The savings should be approximately \$6,000 to \$7,000.

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to approve the Sole Source Purchase from **Digitorque** for an automated South Carolina Incident Reporting System for the Sheriff's Department. No Additional funding necessary. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for the Russellville Water Extension to **W&S Underground, Inc.** in the amount of \$405,254.40. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to approve the Sole Source Purchase from **Johnson Controls, Inc.**, for the replacement of the Chiller and Retrofit Controls for the Court House. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Pinckney's report.)

There was no report from the **COMMITTEE ON JUSTICE AND PUBLIC SAFETY**, Mrs. Judy C. Mims Chairman.

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman.

Councilmember Steve Davis stated the Committee met on November 10, 2003; and on recommendation of the Committee he moved to approve the change of the Berkeley County Water and Sanitation Authority's insurance carrier to the South Carolina State Plan and employee contributions to be the same as the County's employee contributions. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Steve Davis moved to appoint David Warner to serve on Berkeley County Water and Sanitation Authority's Grievance Committee, term to expire on May 24, 2006. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Steve Davis moved to approve the agencies authorized for free disposal as presented. (No Second Required.)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Steve Davis' report.)

COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Charles Davis, Chairman.

In the absence of Councilmember Charles Davis, Councilmember Pinckney reported that the Committee on Planning & Development met on November 10, 2003. All matters before the Committee have been taken care of on tonight's agenda. (That concluded Mr. Charles Davis' report.)

There was no report from the **COMMITTEE ON COMMUNITY SERVICES**, Mrs. Judith K. Spooner, Chairman.

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Crosby stated he would like to nominate Florine Wigfall and Alberta S. Simmons to the Mental Health Board.

Councilmember Spooner nominated Linda Martin and Walt McKinney to the Pimlico Special Tax District, terms to begin January 1, 2004.

The nominations passed by unanimous voice vote of Council.

There was no **CORRESPONDENCE, UNFINISHED OR NEW BUSINESS**.

Chairman Rozier announced that the next meeting of Regular Meeting of Berkeley County Council would be held on December 15, 2003 immediately following the Committee on Finance and Public Hearings, which begin at 6:00 p.m.

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Meeting of Council adjourned at 7:40 for Execution of Documents.

The Regular Meeting reconvened at 7:51 p. m. for Public Discussion.

PUBLIC DISCUSSION

Ms. Penny Murphy of 615 College Park Road stated Steve Vaughn owns property next door to her, which is at 611 College Park Road. Mr. Vaughn has requested that the property be rezoned commercial. It had been said that the property is already commercial and that is not true. From the main entrance of College Park Road toward the interstate is commercial. There are six homes that are residential on their strip and directly across from this is a wooded area. This area is going to be used for the winding of the road, which would not affect them and may alleviate some of the nightmares they have experienced. Ms. Murphy stated Mr. Vaughn's property butts against her property and there are small pieces of property about a quarter of an acre down. If a business is put there, all she can imagine is a paved or graveled front yard, which would not be a pretty site. Currently, it is hard for them to maintain exit and entrance of the highway. She was instrumental in having a sidewalk built because the children were in danger of walking back and forth to school. They are not affected by Food Lion; they love it because it is easy access for shopping. Ms. Murphy stated they do not have commercial around them because there are more homes behind her, which are also in a residential area. She stated she loves her home; she raised her children there and has been in that area for 25 years. They are not as lucky as Mr. Vaughn as far as being able to buy a lot of Real Estate. Mr. Vaughn has other property that he could commercialize and he has only been in the area for three to four years.

Councilmember Spooner asked what property were they discussing?

Ms. Murphy stated Mr. Vaughn's house is the third from the main entrance to College Park, and she was in the fourth house.

Councilmember Spooner asked if Mr. Vaughn was renting the house?

Ms. Murphy stated it had been used as rental property because he sells homes in Crowfield.

Councilmember Spooner asked Ms. Murphy did Mr. Vaughn approach her about buying her home?

Ms. Murphy stated Mr. Vaughn has not approached her nor did he discuss that he wanted to rezone to commercial.

Mr. Hoyt F. Blaylock of 617 College Park Road stated they have been before Council several times trying to convince them not to approve the rezoning of 611 College Park Road from Residential to General Commercial. He stated they strongly object to the mixing of small trashy businesses that operate out of buildings intended as homes or the mixing of any business within their residential neighborhood. At last week's meeting he heard a Council Member say that rezoning might as well be approved because the road

will soon have five lanes. There is nothing carved in stone that says a five-laned road must be zoned as commercial property. Mr. Blaylock stated Mr. Vaughn is concerned that he can't rent his house due to the traffic on College Park Road. Last week Mr. Vaughn intentionally or unintentionally misled County Council concerning the danger of traffic on College Park Road. The reference about the car killing a woman and cutting her in half was not on College Park Road; the car came up University Drive, which is a residential street parallel to College Park Road. Mr. Blaylock continued, Mr. Vaughn stated he couldn't rent his house, which is a little odd. The other house on their block is a rental house and for the last two years it had 100 percent occupancy. Mr. Blaylock stated it appeared to them that Mr. Vaughn purchased the house as a future commercial investment when the widening of College Park Road became a reality. However, Mr. Vaughn did not anticipate the total opposition to commercialism in their neighborhood. This is not about College Park Road but the establishment of businesses within their residential neighborhood and the spreading of urban blight.

Mr. Blaylock stated there used to be a Billboard on I-26 that said, "Welcome To Big Beautiful County". The rezoning of residences to commercial property would give us another quite different slogan for the Billboard, "Welcome To Berkeley County, We Invite You To Build Another Slum."

Councilmember Spooner and Chairman Road corrected Mr. Blaylock, the sign said, "Welcome to Bountiful Berkeley County."

The Public Discussion ended at 8:02 p.m.

S/Barbara B. Austin
Clerk of County Council

December 15, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday November 17, 2003**, is scheduled to begin immediately following Public Hearings, the Committee on Finance meeting and the special meeting of the Committee on Planning and Development, at 6:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 123 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Special Meeting of County Council	October 13, 2003
Public Hearings: Bills Numbered: 02-34, 03-49, 03-50, 03-51, 03-52, 03-53, 03-54, 03-55, 03-56, 03-57	October 20, 2003
Regular Council Meeting	October 20, 2003

PUBLIC DISCUSSION - Request to be heard must be made prior t Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 02-34**, an **Ordinance** to amend Ordinance No. 99-7-41 and to adopt the most recent version of various **International Codes** relating to Building, Residential, Gas Plumbing, Mechanical, and Fire Standards and to amend Ordinance No. 03-01-01 regarding the penalty for violations of the building code.
[Recommended by Committee on Planning and Development]

2. **Bill No. 03-58**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Edwardine Harrell**, 2479 N. Highway 17A, Macedonia, TMS #087-00-05-034, (32.88 acres), **from**

GC, General Commercial District and F-1, Agricultural District, to LI, Light Industrial District. Council District No. 6.

[Recommended by Committee on Land Use]

3. Bill No. 03-59, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Abbas A. Aman**, 607 Myers Road, Summerville, TMS #222-11-00-066, (1 acre), **from GC, General Commercial District, to R-1MM, Multi-Section Residential District.** Council District No. 4.

[Recommended by Committee on Land Use]

4. Bill No. 03-60, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Aaron & Eli Hyman**, Clements Ferry road and 1-526, Wando, TMS #271-00-02-146, (4.96 acres), **from R-IMM, Multi- Section Residential, to GC, General Commercial District.** Council District No. 8.

[Recommended by Committee on Land Use]

5. Bill No. 03-71, An Ordinance to amend the Budget of the **Berkeley County Special Fire Tax District**, Ordinance Number 03-06-37, by providing for distribution other than those previously approved.

[Recommended by Committee on Finance]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. Bill No. 03-62, An Ordinance amending the **Berkeley County Water and Sanitation Authority Personnel Ordinance**, Berkeley County, South Carolina.

[Recommended by Committee on Water and Sanitation]

2. Bill No. 03-63, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Gerald Morgan** 1147 College Park Road, Summerville, TMS # 222-00-00-067, (21.59 acres), **from R-3, Mobile Home Park District, (6.97 acre portion), and R-1, Single Family Residential District, (14.62 acre portion), to GC, General Commercial District, (6.97 acre portion) and R-3, Mobile Home Park District, (14.62 acre portion).** Council District 4.

[Recommended by Committee on Land Use]

3. Bill No. 03-64, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Eugene and Alesia Burns**, 152 Summer Lane, Summerville, TMS# 196-09-01-028, (6.08 acres),

from R-2, Manufactured Residential District, to R2-RF, Mobile Home Rural Farm Residential District. Council District 6.

[Recommended by Committee on Land Use]

4. Bill No. 03-65, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Leslie B. Dyches, 1563 Ranger Drive, Cross, TMS# 065-00-00-088, (3.87 acres), from GC, General Commercial District, to F-1, Agricultural District.** Council District 7.

[Recommended by Committee on Land Use]

5. Bill No. 03-66, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Clouter Point & Clements Ferry Properties, LLC, Clements Ferry Road, Wando, TMS# 271-00-01-035, (50.29 acres), from LI, Light Industrial District, to GC, General Commercial District.** Council District 8.

Recommended by Committee on Land Use]

6. Bill No. 03-67, An Ordinance to reduce the assessment ratio applicable to general aviation aircraft subject to property tax in Berkeley County to four percent (4%) of the fair market value of the aircraft.

[Recommended by Committee on Finance]

7. Bill No. 03-68, An Ordinance to amend the **Agreement** for Development of a **Joint County Industrial Park** executed April 24, 1995, by and among **Berkeley County, South Carolina, and Williamsburg County, South Carolina**, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the joint County Industrial Park, and other matters relating thereto.

[Recommended by Committee on Finance]

8. Bill No. 03-69, An Ordinance authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Berkeley County, South Carolina and **DJL Land Company, LLC**; and matters relating thereto.

[Recommended by Committee on Finance]

9. Bill No. 03-70, An Ordinance authorizing: (1) acquisition by Berkeley County, South Carolina (the "county") of certain real and personal property; (2) a lease purchase agreement between the County, as lessor, and **Van Smith Block Company, LLC** as lessee, with respect to the personal and real property so acquired; (3) payment by such lessee of certain fees in lieu of Ad Valorem taxes; (4) the reconveyance of such property pursuant to the terms of such lease purchase agreement; (5) the placement of such real property into a multi-county industrial park and (6) certain other matters related thereto.

[Recommended by Committee on Finance]

10. Bill No. 03-72, An Ordinance to amend **Section VII** of **Ordinance No. 03-06-38**, The Berkeley County Budget Ordinance for 2003-2004, to eliminate the express provisions regarding rates and per diem for travel expense reimbursement and to provide for the establishment of rates by resolution.

11. Bill No. 03-74, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **CDJ, Inc.**, 591 College Park Road, Ladson, TMS# 242-04- 01-046, (1 lot), from R-1, Single Family Residential District, t) GC, **General Commercial District**. Council District 5.
[Recommended by Committee on Land Use]

12. Bill No. 03-75, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jimmie Green**, et al, Harvest Time Place, Wando, TMS# 271 -00-02-022, (2.6 acres), **from R-1MM, Multi-Section Residential District, to GC, General Commercial District**. Council District 8.
[Recommended by Committee on Land Use]

13. Bill No. 03-76, An Ordinance authorizing economic development incentives, including a lease purchase agreement, between Berkeley County, South Carolina, and **BP Amoco Chemical Company**, whereby Berkeley County will enter into an arrangement for payments in lieu of property
[Recommended by Committee on Finance]

FIRST READING:

1. Bill No. 03-77, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Johnnie Capers**, Highway 27 near I-26, Ridgeville, TMS# 175-00-02-008, (10 acre portion, 26.49 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District 7.
[Recommended by Committee on Land Use]

2. Bill No. 03-78, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Emmerline Limehouse**, 1237 Umbria Road, Moncks Corner, TMS# 164-00-03-062, (2.8 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District 8.
[Recommended by Committee on Land Use]

RESOLUTIONS:

1. RESOLUTION providing for the Transfer of Funds in the 2003-2004 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. RESOLUTION designating surplus property of Berkeley County Water and Sanitation Authority and authorizing the sale or disposal of the surplus vehicles

[Recommended by Committee on Public Works and Purchasing]

3. RESOLUTION giving an **extra day vacation** in recognition of the 2003 Christmas Holiday.

4. RESOLUTION approving assignment of existing Fee-in-Lieu of Tax arrangements by **Bayer Polymers LLC**.

5. RESOLUTION approving the assignment of existing Fee-in-Lieu of Tax Arrangement by **Harrmann & Reimer**.

6. RESOLUTION (1) acknowledging and consenting to the transfer of 100% of the equity interest in **J W ALUMINUM COMPANY**; and (2) other matters relating thereto.

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance.**
Councilmember, Mr. Dennis L. Fish, Chairman.
- 2. Committee on Land Use.**
Councilmember, Mr. Milton Farley, Chairman.
- 3. Committee on Public Works and Purchasing.**
Councilmember, Caldwell Pinckney, Jr., Chairman.
Bids and Recommendations:
 - a. Digital Orthophotography project.
 - b. EMS Station (Medic 8 – New Hope/Lebanon)
 - c. Sheriff's Department: Sole Source purchase of SCIBRS
 - d. Russellville CDBG Project
 - e. Berkeley County Courthouse: Sole Source Purchase of replacement of chiller and retrofit controls.
- 4. Committee on Justice and Public Safety.**
Councilmember, Mrs. Judy C. Mims, Chairman
- 5. Committee on Water and Sanitation.**
Councilmember, Mr. Steve C. Davis, Chairman.
 - a. Employee Health Insurance
 - b. Grievance Committee nominee.

c. Agencies authorized to receive free disposal.

6. **Committee on Planning and Development.**
Councilmember, Mr. Charles E. Davis, Chairman.
7. **Committee on Community Services.**
Councilmember, Mrs. Judith K. Spooner, Chairman.
8. **Committee on Human Services.**
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY COUNTY LIBRARY BOARD
BERKELEY-CHARLESTON-DORCHESTER - RTMA
BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT ADVISORY COMM.
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
MENTAL HEALTH BOARD
PIMLICO SPECIAL TAX DISTRICT
SANTÉE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TAX ASSESSMENT REVIEW BOARD
TRIDENT WORKFORCE INVESTMENT BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The DECEMBER 2003, Regular Meeting of Berkeley County Council will be held on MONDAY DECEMBER 15, 2003, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

November 12, 2003
S/Barbara B. Austin
Clerk of County Council